

Carlos Hernández
Mayor

Isis Garcia-Martinez
Council President

Luis González
Council Vice President



Council Members
Jose F. Caragol
Vivian Casáls-Muñoz
Katharine E. Cue-Fuente
Paul B. Hernández
Lourdes Lozano

City Council Agenda April 22, 2014 7:00 P.M.

Call to Order -

Roll Call-

Invocation given by Marbelys Fatjo, Acting City Clerk

Pledge of Allegiance led by Councilwoman Lourdes Lozano

Meeting Guidelines

The following guidelines have been established by the City Council:

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

Presentations –

- Mayor Hernandez proclaims April as Fair Housing month.

The City of Hialeah commemorates and celebrates the 46th anniversary of the historic legislation known as the Fair Housing Act of 1968. The Fair Housing Act of 1968 has enhanced the lives of many families once discriminated against and has made strides in providing equal housing for all Americans. Fair Housing month strives to promote the increase of home ownership throughout the nation, and by increasing the supply of housing for minorities and disabled people, we can achieve to be a nation free of intolerance and

poverty. The City of Hialeah confirms our commitment to ensure equal housing without emphasis on race or gender.

- Mayor Hernandez presents a Certificate of Appreciation to Florida City Gas and Miguel Bustos for their support of the City and for their partnership as the first and current Official Energy Conservation Partner.
- Councilman Paul Hernandez presents the Florida Department of Health with a proclamation proclaiming April 7-10, 2014 as Week of National Public Health.

1. Announcement of Amendments/Corrections to the Agenda –

2. Consent Agenda—

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

- A.** Request permission to approve the Summary Agenda/Minutes of the City of Hialeah Council Meeting held on April 8, 2014. (OFFICE OF THE CITY CLERK)
- B.** Proposed resolution to terminate the Interlocal Agreement with Hialeah Housing Authority to utilize the services of a Hialeah Police Detective to perform investigative and related services entered on March 11, 2014 pursuant to Hialeah, Fla. Resolution 2014-09 (January 15, 2014). (LAW DEPT.)
- C.** Request permission to waive competitive bidding, since it is advantageous to the City due to time constraints, and issue a purchase order to Aaron Construction Group, Inc., to redo four (4) dugouts at Goodlet Park, which entails the footing excavation, slab on grade, forms work, rebars work, concrete finish, and replacement of eight (8) steel columns for each dugout and roof, in a total cumulative amount not to exceed \$55,400. (PARK AND RECREATION DEPT.)
- D.** Request permission to waive competitive bidding, since it's advantageous to the City due to time constraints, and issue a purchase order to Hanover Specialties, Inc., to repair and replace all playground surface areas and resurface the existing rubber playground at Veterans Park with 6,135 square feet of Vitriturf Rubber System, in a total cumulative amount not to exceed \$36,503. (PARK AND RECREATION DEPT.)
- E.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to AGC Quality Construction Co., for area sidewalk restoration from West 8 Avenue to West 12 Avenue, from West 45 Street to West 48 Street, in a total cumulative amount not to exceed \$30,368.14. (STREETS DEPT.)
- F.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to AGC Quality Construction Co., for area sidewalk

restoration from West 8 Avenue to West 10 Avenue, from West 68 Street to West 72 Place, in a total cumulative amount not to exceed \$30,946.90. (STREETS DEPT.)

- G. Proposed resolution approving the expenditure totaling an amount not to exceed \$2,521.08 from the Law Enforcement Trust Fund – *State*, to purchase three (3) computers and related accessories from Tech Depot and PCMG Inc., the lowest quoted vendors, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)
- H. Proposed resolution approving the expenditure totaling an amount not to exceed two thousand five hundred dollars (\$2,500.00) from the Law Enforcement Trust Fund – *State*, to purchase one (1) Steel Insulated Freight Container from Gold Coast Repairs, Inc., the lowest quoted vendor, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)
- I. Request permission to increase purchase order # 2014-884, since it advantageous to the City, issued to Lou's Police Distributors, Inc., for the replacement of uniforms damaged during police duties. (POLICE DEPT.)

3. Board Appointments-

- a. Proposed resolution reappointing Christopher Zacarias as Special Master to conduct administrative hearings on code violations for the City of Hialeah, Florida, pursuant to the citation procedures set forth in Chapter 22, Article III, of the Hialeah Code, assume all powers authorized by Hialeah Code § 22-186(k), and serve a term commencing on May 31, 2014 and ending on May 31, 2015, at an hourly rate to be established by Administrative Order of the Mayor; and providing for an effective date. (OFFICE OF THE CITY CLERK)

4. Unfinished Business-

5. New Business-

6. Comments and Questions-

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

ZONING

- PZ 1. Second reading and public hearing of proposed ordinance granting a Variance Permit to allow a 15-foot two-way direction driveway on property zoned CR (Commercial-Residential District), contra to Hialeah Code §98-2188(a)b. **Property located at 275 East 9 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and

providing for an effective date. *Applicant: Ceasar Mestre* **Item tabled on April 8, 2014 until the meeting of April 22, 2014.**

- PZ 2. First reading of proposed ordinance granting a Special Use Permit (SUP) to allow the operation of a used cooking oil storage facility on property zoned M-1 (Industrial District) and granting a Variance Permit to allow 15 parking spaces, where 20 are required, and to allow all parking spaces to back out on to the street, where backout parking is only allowed in low density residential districts, contra to Hialeah Code §§ 98-2189(15) and 98-2190. **Property located at 720 West 26 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. *Applicant: Viesel Fuel, LLC* **Item tabled on April 8, 2014 until the meeting of April 22, 2014.**
- PZ 3. Recommendation of denial by the Planning and Zoning Official, upheld by the Planning and Zoning Board, of the granting of a Variance Permit to allow 12 occupational licenses on property zoned RO (Residential Office District), where a maximum of 2 licenses are permitted. Property located at **215 West 49 Street, Hialeah, FL.** *Applicant: Tirso P. Martinez*
- PZ 4. Recommendation of denial by the Planning and Zoning Official, upheld by the Planning and Zoning Board, of the rezoning from R-1 (One Family District) to R-2 (One and Two Family Residential District) and the granting of a Variance Permit to allow a duplex on a substandard lot, having a frontage of 50' (75' required), total area of approximately 6,651.50 feet (7,000 square feet required); total lot coverage of 39% (30% maximum lot coverage allowed), rear setback of 21.7' (25' required) and south side setback of 4.5' (7.5' required). Property located at **4655 East 4 Avenue, Hialeah.** *Applicant: Edward Garcia and Nitza Garcia*
- PZ 5. Recommendation of denial by the Planning and Zoning Official, upheld by the Planning and Zoning Board, of the granting of a Variance Permit to allow one LED reader board pylon sign, with one LED display located within the sign and on property located outside the LED geographic area (only allowed within specific geographic area), having a distance of less than 300' radius from residential-zoned properties (minimum distance of 300' radius required) and allow existing setback of 2' (minimum of 10' required). Property located at **4640 Palm Avenue, Hialeah,** zoned C-1 (Restricted Retail Commercial). *Applicant: Benjamin Ocner*

FINAL DECISIONS

- FD 1. Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 14-04 that granted adjustments on property located at **929 West 67 Street, Hialeah, Florida;** and providing for an effective date. *Applicants: Secundino & Lydia Gonzalez* **Item tabled on April 8, 2014 until the meeting of April 22, 2014.**
- FD 2. Proposed resolution upholding the final decision of the Planning and Zoning Board, Decision No. 14-05 that granted an adjustment on property located at **425 Southeast 9 Avenue, Hialeah, Florida;** and providing for an effective date. *Applicants: Elier Martin & Yida Martin*

NEXT CITY COUNCIL MEETING: May 13, 2014 at 7:00 P.M.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: May 27, 2014 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).